

## OPINION 1885

*Tyrannula minima* Baird & Baird, 1843 (currently *Empidonax minimus*) and *Contopus pertinax* Cabanis & Heine, 1859  
(Aves, Passeriformes): specific names conserved

**Keywords.** Nomenclature; taxonomy; Aves; TYRANNIDAE; tyrant flycatchers; least flycatcher; greater pewee; *Empidonax minimus*; *Contopus pertinax*; North America.

### Ruling

- (1) Under the plenary powers the following specific names are hereby suppressed for the purposes of the Principle of Priority but not for those of the Principle of Homonymy:
  - (a) *pusillus* Swainson, 1827, as published in the binomen *Platyrhynchus pusillus*;
  - (b) *musica* Swainson, 1827, as published in the binomen *Tyrannula musica*.
- (2) The following names are hereby placed on the Official List of Specific Names in Zoology:
  - (a) *minima* Baird & Baird, 1843, as published in the binomen *Tyrannula minima*;
  - (b) *pertinax* Cabanis & Heine, 1859, as published in the binomen *Contopus pertinax*.
- (3) The following names are hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology:
  - (a) *pusillus* Swainson, 1827, as published in the binomen *Platyrhynchus pusillus* and as suppressed in (1)(a) above;
  - (b) *musica* Swainson, 1827, as published in the binomen *Tyrannula musica* and as suppressed in (1)(b) above.

### History of Case 2970

An application for the conservation of the specific names of *Tyrannula minima* Baird & Baird, 1843 and *Contopus pertinax* Cabanis & Heine, 1859 was received from Dr Richard C. Banks and Dr M. Ralph Browning (*National Biological Service, National Museum of Natural History, Washington, D.C., U.S.A.*) on 20 February 1995. After correspondence the case was published in BZN 53: 116–119 (June 1996). Notice of the case was sent to appropriate journals.

### Decision of the Commission

On 1 March 1997 the members of the Commission were invited to vote on the proposals published in BZN 53: 118. At the close of the voting period on 1 June 1997 the votes were as follows:

Affirmative votes — 19: Bock, Brothers, Cocks, Eschmeyer, Heppell, Kabata, Kerzhner, Kraus, Macpherson, Mahnert, Minelli (part), Nielsen, Nye, Papp, Patterson, Ride, Savage, Schuster, Song

Negative votes — 3: Lehtinen, Martins de Souza and Štys.

Bouchet abstained.

No votes were received from Cogger and Dupuis.

Mawatari was on leave of absence.

Minelli voted in favour of the conservation of the specific name of *Tyrannula minima* Baird & Baird, 1843 but not for that of *Contopus pertinax* Cabanis & Heine, 1859. Voting against the application, Štys commented: 'The applicants have not convinced me that the senior name of each pair is really a synonym of the junior. I cannot see any reason for suppression'.

### Original references

The following are the original references to the names placed on an Official List and an Official Index by the ruling given in the present Opinion:

*minima*, *Tyrannula*, Baird & Baird, 1843, *Proceedings of the Academy of Natural Sciences of Philadelphia*, 1: 284.

*musica*, *Tyrannula*, Swainson, 1827, *Philosophical Magazine*, (N.S.)1(5): 368.

*pertinax*, *Contopus*, Cabanis & Heine, 1859, *Museum Heineanum* ..., part 2, p. 72.

*pusillus*, *Platyrhynchus*, Swainson, 1827, *Philosophical Magazine*, (N.S.)1(5): 366.